

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

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|---|---|-------------------------|
| TRACEY E. GEORGE, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Case No. 3:14-cv-02182 |
| |) | Chief Judge Sharp |
| WILLIAM EDWARD “BILL” HASLAM, |) | Magistrate Judge Bryant |
| as Governor of the State of Tennessee, |) | |
| in his official capacity, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

**MOTION TO ASCERTAIN STATUS OF
MOTION TO COMPEL AND FOR SANCTIONS**

Pursuant to Local Rule 7.01(c), Plaintiffs¹ respectfully file this motion to ascertain the status of Plaintiffs’ Motion to Compel Discovery and for Sanctions (DE 46-48), which Plaintiffs filed on February 11, 2015. As set forth in the parties’ Joint Local Rule 37.01(a) Statement (DE 46), the issues before the Court “include (i) whether Defendants should be compelled to answer the interrogatories and requests for production with any objections and assertions of privilege having been waived; and (ii) whether any sanctions are appropriate.” A decision on the motion is still required because Defendants continue to refuse to respond or otherwise participate in discovery, despite four weeks now having elapsed after the Court’s denial of Defendants’ motion to stay discovery and rejection of Defendants’ motion to dismiss on July 1, 2015 (DE 63).

Indeed, even though Defendants have now filed an answer (an extension for which Plaintiffs granted), Defendants have still not answered a single interrogatory, produced a single document, provided a single privilege log, or substantiated a single objection. Defendants have

¹ Tracey E. George, Ellen Wright Clayton, Deborah Webster-Clair, Kenneth T. Whalum, Jr., Meryl Rice, Jan Liff, Teresa M. Halloran, and Mary Howard Hayes.

also not sought to meet and confer to resolve any actual or proper objection to any specific discovery request beyond their original blanket position that all discovery was objectionable and that Defendants could unilaterally ignore this Court's January 12, 2015 Order commanding that "[t]here shall be no stay of discovery."

Plaintiffs reached out to Defendants on July 16, 2015, to request the status of discovery responses. Defendants have not responded, leaving Plaintiffs with no choice but to file the present motion. Plaintiffs are under a deadline of September 30, 2015, to file for summary judgment with a trial date set in less than nine months. Moreover, new state laws went into effect on July 1, 2015, which were enabled by Constitutional Amendment 1 to the Tennessee Constitution. *See* 2015 Tennessee Laws Pub. Ch. 419; 2015 Tennessee Laws Pub. Ch. 473. Accordingly, time is of the essence with respect to the relief and sanctions sought by Plaintiffs' Motion to Compel Discovery and for Sanctions.

For these reasons, Plaintiffs move to ascertain the status of their pending motion pursuant to Local Rule 7.01(c).

Respectfully submitted,

By: /s/ William L. Harbison
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing was served upon the following:

| Counsel | Counsel for: | Via: |
|--|---------------------|---|
| Janet M. Kleinfelter Deputy Attorney General Office of the Attorney General and Reporter Public Interest Division P.O. Box 20207 Nashville, TN 37202 (615) 741-7403 janet.kleinfelter@ag.tn.gov | Defendants | <input type="checkbox"/> United States Mail, postage prepaid <input type="checkbox"/> Hand-delivery <input type="checkbox"/> Facsimile transmission <input type="checkbox"/> E-Mail <input type="checkbox"/> Fed Ex <input checked="" type="checkbox"/> CM/ECF |

this 28th day of July, 2015.

/s/ William L. Harbison
William L. Harbison